



11. Were any of you executives or have you had regular contact with executives of a company?
12. Whether you have or have not worked for a company, what are the traits that make someone a successful corporate executive in your opinion?
13. What are some of the reasons executives should be terminated or replaced?
14. What role should an executive's performance play in the decision to continue their employment or terminate them?
15. What role should an executive's potential play in the decision to continue their employment or terminate them?
16. What does it mean if someone is low potential, but high performance?
17. What are your expectations of what a company needs to do when they terminate an executive?
18. How would you know if an executive was terminated lawfully?
19. How would you know if an executive was terminated based on discrimination?
20. How common is discrimination in the workplace today? How common is race discrimination? How common is gender discrimination?
21. What do you think companies can do to reduce discrimination in the workplace?
22. How common is reverse discrimination in the workplace today?
23. Have you ever heard of Novant Health? If so, do you have any impressions or feelings about Novant Health?
24. Have you or an immediate family member ever worked for Novant Health? If so, identify the position held and length of employment? If so, did the employment end unfavorably?
25. Have you or an immediate family member ever been treated by the Novant Health system? If so, was there anything unfavorable to you about that experience or the treatment given?

26. Have you ever served on a jury? If so, how many times? If so, types of cases? If so, did the jury reach a verdict in every case? If so, were you the presiding juror or foreperson?
27. Have you or someone close to you ever sued anyone? Been sued? Been a witness in a lawsuit? If yes, please describe the nature of the suit(s), your role in the suit(s) and if you were a party whether you were satisfied with the result.
28. Is there a reason you cannot be fair and impartial to Novant Health in this case?
29. Do you believe white men are only fired based on reverse discrimination?
30. Do you believe any time a white man is fired and a woman or non-white applicant is hired that it must be for the sake of diversity?

**Plaintiff's Proposed Supplemental *Voir Dire***

Pursuant to the scheduling order, Plaintiff submits the following voir dire to supplement the Court's standard questions to the jury.<sup>1</sup> Defendant objects to questions 2, 3, 6, 7, 8, 14, and 15.

1. This is case alleging discrimination based on sex (gender) and/or race. Have any of you been in situations where you felt or believed that you had been discriminated against on the basis of either your sex or race or on some other basis you felt improper? Please explain to the Court and the parties.

2. Have any of you been in a situation where you believed someone else was discriminated against on the basis of either their sex or race or on some other improper basis? Please explain.

3. Have you ever been accused of discriminating against someone on the basis of sex or race or some other improper basis? Please explain.

4. Have any of you been in a situation where you felt someone else was favored or given a preference on the basis of either their sex or race or on some other improper basis?

---

<sup>1</sup> Counsel notes that the Court's standard voir dire is not accessible on the Western District's website, and asks respectfully that the parties receive a copy.

5. Have you ever been accused of favoring someone on the basis of sex or race or some other characteristic? Please explain.

6. This case involves claims of discrimination based on the manner in which a diversity and inclusion plan was implemented at work. Have any of you ever worked for a private company or a public employer with a diversity plan or a diversity and inclusion plan. Describe that experience.

7. Do any of you have views, opinions or beliefs about the value diversity and inclusion that you would want to know if you were either the judge or one of the lawyers or party considering you as a juror.

8. Sometimes such plans are called “affirmative action”. Do any of you have views about affirmative action that you would want to know if you were either the judge or one of the lawyers or party.

9. This case involves so-called “reverse” discrimination. Do you have any views, opinions or beliefs about reverse discrimination that you would want know if you were either the judge or one of the lawyers or party?

10. Do any of you have any views, opinions or beliefs as to whether a white male should be able to sue for discrimination that you would want know if you were either the judge or one of the lawyers or a party?

11. The Plaintiff was an employee of Novant Health. Do any of you have any views, opinions or beliefs regarding lawsuits against hospitals or health providers that you would want to know if you were either the judge or one of the lawyers or a party?

12. Do any of you have any views, opinions or beliefs regarding lawsuits or someone seeking compensation in the courts that you would want to know if you were either the judge or one of the lawyers or a party?

13. Plaintiff was highly compensated in his position, as were his peers. Do any of you have any views, opinions or beliefs that you would want to know if you were either the judge or one of the lawyers or a party, regarding lawsuits by a person who had been highly paid?

14. Would any of you have any hesitation or reservation about awarding lost wages and benefits to a person who had been highly compensated if you found the person was unlawfully terminated.

15. There is also a claim for punitive damages in this lawsuit, which a jury can award, in addition to actual damages, only in certain circumstances that the Plaintiff must prove to your satisfaction– to punish a malicious or willful or reckless violation of someone rights or well-being. Do any of you have views, opinions or beliefs that you would want to know if you were either the judge or one of the lawyers or a party, about punitive damages.

16. The case involves the profession of marketing and communications. Do any of you have experience in that field of work. If so, please describe that experience.

Dated this the 14th day of April, 2021.

Respectfully submitted,

/s/ S. Luke Largess  
NC Bar No. 17486  
*Attorney for Plaintiff*  
Tin, Fulton, Walker & Owen, PLLC  
301 East Park Avenue  
Charlotte, NC 28203  
Telephone: 704.338.1220  
Email: llargess@tinfulton.com

/s/ Benjamin R. Holland  
NC Bar No. 28580  
/s/Elizabeth R. Gift  
NC Bar No. 44331  
/s/ S. Abigail Littrell  
NC Bar No. 49354  
*Attorneys for Defendant*  
OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.  
201 S. College St., Suite 2300  
Charlotte, NC 28244  
Telephone: 704.342.2588  
Facsimile: 704.342.4379  
Email: ben.holland@ogletree.com  
elizabeth.gift@ogletree.com

**CERTIFICATE OF SERVICE**

I, S. Abigail Littrell, hereby certify that I have this day electronically filed the foregoing **PROPOSED VOIR DIRE** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to the following person:

S. Luke Largess  
*Attorney for Plaintiff*  
Tin, Fulton, Walker & Owen, PLLC  
301 East Park Avenue  
Charlotte, NC 28203  
Telephone: 704.338.1220  
Facsimile: 704.338.1312  
Email: llargess@tinfulton.com

Dated this the 14th day of April, 2021.

/s/S. Abigail Littrell  
N.C. Bar No. 49354  
*Attorney for Defendant*  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
201 South College Street, Suite 2300  
Charlotte, NC 28244  
Telephone: 704.405.3131  
Facsimile: 704.342.4379  
E-mail: abby.littrell@ogletree.com